

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF SAINT CROIX

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. CR NO. 2016/0009-03
V.)	
JOSE R. HODGE, ET AL)	
)	
Defendants.)	
_____)	

MOTION TO SEAL FILING OF MOTION TO QUASH SUBPOENA

COMES NOW, TROY NESBITT, by and through undersigned counsel, and hereby moves to seal the motion to quash the subpoena served upon him in the State of Florida, requesting his personal presence at a trial in the Virgin Islands.

RELEVANT FACTS

Troy Nesbitt is not a party to the above criminal action. He pled guilty to charges brought against him and is awaiting sentencing. The Government has secured him as a possible witness in this matter. He is under the protection of the United States of America. The subpoena is dated April 30, 2018 but without date and time to appear. It was served in May 2018.

RATIONAL

As stated in the motion, compliance with the subpoena would be oppressive because the nature of the information that Nesbitt possesses places his life in jeopardy. Because of that, Nesbitt entered into an agreement to testify on behalf of the government. The agreement states that he will exchange truthful testimony for a

TROY NESBITT
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reduced sentence. Similarly, the motion may provide information to compromise Mr. Nesbitt's location and the fact that he has pled guilty for a favor.

WHEREFORE, Troy Nesbitt respectfully requests that, in light of the foregoing, the court seal the motion to quash the subpoena that is filed simultaneously with this motion.

Dated: June 1, 2018

THE RUSSELL LAW FIRM, LLP

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing **MOTION TO QUASH SUBPOENA** was served via email and ECF Court System, on Assistant U.S. Attorneys and all other defense counsel involved in this criminal trial on this 1st day of June 2018.

/s/ Ronald E. Russell